

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Eastern District of Virginia

United States of America

v.

Nehemyah H. PENN

Case No. 3:16 MJ294 (DJN)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 16, 2016 in the county of _____ in the
Eastern District of Virginia, the defendant(s) violated:

Code Section

Offense Description

Title 18, United States Code, Section 924(a)(1)(A), did knowingly make any false statement with respect to the information required to be kept in the records of a licensed firearms dealer.

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 12/16/2016

City and state: Richmond, Virginia

Complainant's signature

Aden J. V. Very S/A
Printed name and title

/s/

David J. Novak
United States Magistrate Judge

Judge's signature

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A CRIMINAL
COMPLAINT**

I, Adam Ulery, being duly sworn, depose and say:

INTRODUCTION

1. Your affiant, Adam Ulery, is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly deposed and sworn, state that:
2. Your affiant has been employed as a Special Agent with the U.S Department of Justice-Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since October of 2009.
3. Your affiant is an investigator and law enforcement officer of the United States, who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18 and Title 21 of the United States Code.
4. This affidavit, which is based upon personal knowledge, information provided by other law enforcement personnel, evidence obtained during this investigation and conversations with cooperating individuals, is submitted in support of an application for a Federal Complaint for Nehemyah H. Penn. This affidavit does not include all of the facts known to me regarding this investigation, only those sufficient to establish probable cause that Federal Laws have been violated.

Facts and Circumstances

5. On December 16, 2016, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agents (S/A) Adam Ulery and Todd Fleming received information that Nehemyah H. Penn was purchasing a firearm from Southern Gun World in Chesterfield, VA. Agents then responded to Southern Gun World and observed Penn leaving the store carrying a large brown cardboard box and stick it into the back seat of his vehicle and


depart the area. Agents then conducted surveillance on Penn as he departed the area.

During this time, agents talked to Southern Gun World employees who advised that Penn listed his address on the ATF Form 4473 as 4000 Midlothian Turnpike, #200 Richmond, VA. Form 4473 is required to be truthfully completed by gun purchasers and kept by the federally licensed firearms dealer.

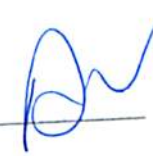
6. Agents then contact the Midlothian Village Apartments located at 4000 Midlothian Turnpike Richmond, VA regarding Penn's status as a resident. Midlothian Village Apartment employees advised that on October 20, 2016, Penn was issued a Trespass Bar Letter advising him that he was no longer allowed to be on the property. They also advised that Penn was never on a lease with their company. The Midlothian Village Apartments provided the ATF with a copy of the Trespass Bar Letter which shows that Penn signed said letter on October 20, 2016.
7. ATF agents then conducted a traffic stop on Penn shortly after he purchased said AR15 rifle. Penn was found to be the sole passenger in the vehicle and had the AR15 out of the box and sitting on the front passenger seat of the vehicle at the time of the traffic stop.

CONCLUSION

8. Based on all of the foregoing, I submit that there is probable cause to conclude that on or about December 16, 2016, Nehemyah H. Penn, did knowingly make a false statement with respect to information required to be kept in the records of a licensed firearms dealer, in violation of Title 18, United States Code, Section 924(a)(1)(A).


Adam J. Utery
Special Agent ATF

Sworn to and subscribed before me this 16th day of December 16, 2016.


/s/
David J. Novak
United States Magistrate Judge